

**Senate Study Bill 3160 - Introduced**

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED CRIMINAL CODE  
REORGANIZATION STUDY  
COMMITTEE BILL)

**A BILL FOR**

1 An Act relating to the criminal offense of simulated public  
2 intoxication.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 123.46, subsection 2, Code 2009, is  
2 amended to read as follows:

3 2. A person shall not use or consume alcoholic liquor, wine,  
4 or beer upon the public streets or highways. A person shall  
5 not use or consume alcoholic liquor in any public place except  
6 premises covered by a liquor control license. A person shall  
7 not possess or consume alcoholic liquors, wine, or beer on  
8 public school property or while attending a public or private  
9 school-related function. A person shall not be intoxicated ~~or~~  
10 ~~simulate intoxication~~ in a public place. A person violating  
11 this subsection is guilty of a simple misdemeanor.

12 Sec. 2. Section 123.46, Code 2009, is amended by adding the  
13 following new subsection:

14 NEW SUBSECTION. 2A. A person shall not simulate  
15 intoxication in a public place. A person violating this  
16 subsection is guilty of a simple misdemeanor.

17 EXPLANATION

18 This bill relates to simulated public intoxication. The  
19 bill transfers the criminal offense of simulated public  
20 intoxication in a public place from Code section 123.46,  
21 subsection 2, to Code section 123.46, new subsection 2A.  
22 The bill does not modify the criminal penalty for simulated  
23 public intoxication. A person who commits simulated public  
24 intoxication in a public place commits a simple misdemeanor.

25 A simple misdemeanor is punishable by confinement for no  
26 more than 30 days or a fine of at least \$65 but not more than  
27 \$625 or by both.